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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,597	04/25/2000	Johannes G. Sinke	PHN 17,430	8237

7590 09/11/2002

Gregory L Thorne  
c/o U S Philips Corporation  
Intellectual Property Department  
580 White Plains Road  
Tarrytown, NY 10591

EXAMINER

NGUYEN, NAM V

ART UNIT PAPER NUMBER

2635

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/557,597

Applicant(s)

SINKE ET AL.

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

The application of Sinke et al. for a "system for providing personalized services" filed April 25, 2000 has been examined.

This application claims foreign priority based on the application 99201296.3 filed April 26, 1999 in European Patent Office (EPO). Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.

A preliminary amendment to the claims have been entered and made of record.

Claims 1-12 are pending.

### ***Information Disclosure Statement***

The information disclosure form (PTO-1449) listing the references was not enclosed in the application.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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The current abstract using phrase “the present invention” is implied and should be avoided.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nickum (US# 6,359,661).

Referring to claims 1 and 12, Nickum discloses a multiple user profile remote control and a method as recited in claims 1 and 12. See Figures 1-4 and respective portions of the apparatus and method.

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Nickum discloses a system (100, see Figure 1) for providing personalized services (column 3 lines 49 to 56), comprising an apparatus (110) which is capable of personalizing its behavior in accordance with a user profile (column 3 lines 56 to column 4 lines 3), characterized in that the system (100) also comprises a gatekeeper device (200) for controlling said personalization (column 4 lines 22 to 31), said gatekeeper device (200) comprising user operable control means (i.e. control buttons in Figure 3) for adjusting the extent of said personalization (column 4 lines 32 to 65).

Referring to claim 2, Nickum discloses a system as claimed in claim 1, characterized in that said control means (205 in Figure 2) comprise confirmation means for specifying that the apparatus (200) is allowed to personalize its behavior (column 1 lines 55 to 65; column 5 lines 42 to 53).

Referring to claim 3, Nickum discloses a system as claimed in claim 1, characterized in that said control means (205) comprise rejection means for specifying that the apparatus (200) is not allowed to personalize its behavior (column 7 lines 20 to 33).

Referring to claims 6 and 10, Nickum discloses a system as claimed in claim 1, characterized in that the gatekeeper device (200) comprises further user operable control means (i.e. control buttons) for establishing a relationship with the apparatus (110), said relationship specifying the extent of personalization at subsequent occasions (column 4 lines 65 to column 5 lines 21).

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Referring to claims 7 and 11, Nickum discloses a system as claimed in claims 1 and 6, characterized in that the apparatus (110) is capable of generating an identity tag which identifies said relationship and of exchanging said identity tag with the gatekeeper device (200) (column 5 lines 42 to 59), the gatekeeper device (200) being capable of storing said identity (column 5 line 26 to column 6 line 19).

Referring to claim 8, Nickum discloses a system as claimed in claim 1, characterized in that the gatekeeper device (200) is capable of storing at least one user profile (see Figures 5 to 8; column 6 line 58 to column 7 line 10) and of exchanging said user profile with said apparatus (110) (column 5 lines 46 to 59).

Referring to claim 9, Nickum discloses a system as claimed in claim 1, characterized in that the apparatus (200) is capable of exchanging a user profile with said gatekeeper device (200) or a further apparatus (column 5 lines 46 to 59).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nickum (US# 6,359,661) as applied to claim 1 above and in view of Chen et al. (US# 5,686,887).

Referring to claims 4-5, Nickum discloses a system of claims 1, however, Nickum did not explicitly disclose characterized in that the gatekeeper device is capable of detecting the proximity of the apparatus, the gatekeeper device also comprising notification means for notifying such detection and the apparatus is capable of transmitting an identification signal for facilitating said detection.

In the same field of endeavor locating an electronic remote control device, Chen et al. disclose that the gatekeeper device (12) is capable of detecting the proximity of the apparatus (10) (column 2 lines 45 to 60), the gatekeeper device (12) also comprising notification means for notifying such detection (column 12 lines 12 to 26) and the apparatus (10) is capable of transmitting an identification signal (i.e. identification code) (column 4 lines 13 to 19) for facilitating said detection (column 7 lines 43 to 58) in order for the transmitter detects the location of the receiver and the receiver alerts the user by generating audio indication.

One of ordinary skilled in the art recognizes to have a receiver capable of determine the location from the transmitter of Chen et al. in the remote control device of Nickum because Nickum suggests it is desired to provide a communication signal when the remote control device is in close distance to the receiver (see Figure 1) and Chen et al. teach that the receiver identify and detect the location from the transmitter and using the audio indication to alert the user (column 12 lines 12 to 26) in order to the user can able to locate the receiver quickly. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was

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made to have a receiver capable of identify the location from the transmitter of Chen et al. in the remote control device of Nickum with the motivation for doing so would have been to provide an intelligent and useful remote control device to notify the location and to alert the status of the communication for the user.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosin et al. (US# 6,295,057) disclose an internet content and television programming selectively displaying system.

Gopinath (US# 5,990,885) discloses a personalized service, including a personal presence, for customers based upon collected personal preferences.

Camhi (US# 5,825,283) discloses a system for the security and auditing of persons and property.

Suman (US# 5,525,977) discloses a prompting system for vehicle personalization.

Strubbe et al. (US# 5,469,206) disclose a system and method for automatically correlating user preferences with electronic shopping information.

Skinner (US# 5,005,084) discloses a remote control television system using supplementary unit for simplified personalized control.

Ross et al. (US# 4,598,275) disclose movement monitor.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen  
September 6, 2002



MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

